



BOSTON HEADQUARTERS  
7 Winthrop Square, Boston, MA 02110-1245  
Phone: 617-542-8010 • Fax: 617-542-8028

WASHINGTON OFFICE  
1001 Connecticut Avenue NW, Suite 510, Washington, DC 20036  
Phone: 202-452-6265 • Fax: 202-463-9462

[www.nclc.org](http://www.nclc.org)

February 19, 2015

**VIA ECF**

Hon. Valerie E. Caproni  
U.S. District Court  
40 Foley Square  
New York, NY 10007

Re: *Adkins et al. v. Morgan Stanley et al.*, No. 1:12-cv-7667 (VEC) (GWG)

Dear Judge Caproni,

I represent Plaintiffs in the above-referenced civil rights action ("Federal Action"). Previously, this Court ruled that, as a matter of comity, Plaintiffs first should seek access to certain purportedly relevant deposition transcripts currently in the possession of the Massachusetts Attorney General's Office from a Massachusetts commonwealth court before this Court would determine whether their production can and should be compelled in the Federal Action. (E.C.F. No. 163). We write to notify you that on January 9<sup>th</sup> Beverly Adkins, one of the plaintiffs in the Federal Action, filed a new suit in the Massachusetts Superior Court for Suffolk County, Civil Action No. 15-0083, against Morgan Stanley and the Commonwealth of Massachusetts ("Massachusetts Action") seeking such an order.

The Complaint, a copy of which is provided herewith along with attachments, seeks declaratory and injunctive relief, asserting that "good cause" exists under M.G.L. 93A§ 6(6) as a matter of law to order the production of deposition transcripts of employees of Morgan Stanley in the possession of the Massachusetts Attorney General which, it is alleged contain testimony and evidence that is relevant to the issues presented in the Federal Action. On January 13, 2015, the Superior Court issued a Scheduling Order for the Massachusetts Action, a copy of which is attached hereto.

The Commonwealth submitted a Notice to the Court on February 3<sup>rd</sup> in which the Attorney General informed the Court "that the Commonwealth has no objection to the Court issuing an order pursuant to M.G.L. c. 93A section 6 requiring the production by the Commonwealth of certain Civil Investigative Demand oral transcripts of Morgan Stanley employees, stemming from the Attorney General's investigation of Morgan Stanley." The

Commonwealth also filed its Answer on the same date. Copies of the Commonwealth's Notice to the Court and Answer are attached hereto.

Finally, on February 12, Morgan Stanley filed its Answer and Affirmative Defenses with the Massachusetts Superior Court in the Massachusetts Action. A copy of the Morgan Stanley Answer is attached hereto for your reference.

Thank you for the Court's consideration in this matter.

Sincerely,

/s/Stuart T. Rossman

cc: Felicia H. Ellsworth, Esq.  
Glenn Kaplan, AAG  
All attorneys of record in the Federal Case by electronic service